

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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ELAINE L. CHAO, Secretary of Labor,	)
United States Department of Labor	)
	)
Plaintiff,	)
	)
v.	) CIVIL ACTION
	) NO. 03-11480-NG
	)
NATIONAL ASSOCIATION OF	)
GOVERNMENT EMPLOYEES,	)
SERVICE EMPLOYEES	)
INTERNATIONAL UNION	)
	)
Defendant.	)

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**CONSENT ORDER**

The plaintiff, the Secretary of Labor (the Secretary), brings this action pursuant to Title IV of the Labor Management Reporting and Disclosure act of 1959, 29 U.S.C. § 401 *et seq.* (the “Act”). On March 14, 2005, the Court entered summary judgment for the Secretary. The defendant National Association of Government Employees does not concede the correctness of that order; nevertheless, the Secretary and the defendant have agreed to this Consent Order for the sole purpose of resolving the issues herein without further litigation and for no other purpose. By agreeing to this Consent Order the defendant does not admit any wrongdoing or violation of the Act. Therefore:

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. The defendant shall conduct a new election for the 30 national Executive Board Officers under the supervision of the Secretary pursuant to the provisions of Title

IV of the Act and, insofar as is lawful and practicable, in accordance with defendant's constitution and by-laws. Said election shall be completed at the defendant's regularly scheduled national convention in September 2006, and the votes tallied by September 16, 2006.

2. The Secretary shall supervise the entire election of the 30 Executive Board Officers, including the selection of delegates to the Convention at which said officers are to be elected and including any action necessary to implement lawful election procedures. The Secretary and the defendant shall meet to discuss the protocols and procedures for the supervision of the election, which the Secretary shall establish. The defendant shall take no action inconsistent with the protocols and procedures without advance approval of the Secretary. The Secretary's authority runs until the date of entry of Judgment by the Court after it has received certification by the Secretary of the officers elected in the election to be completed by September 16, 2006.

3. All questions of eligibility to vote or run for any of the 30 Executive Officer positions shall be resolved by the Secretary. The Secretary shall also resolve any other questions involved in the election and delegate selection procedures upon which a decision must be made and said rulings as noted herein shall be in conformity with the defendant's constitution and by-laws insofar as is lawful and practicable.

4. The persons currently holding the Executive Board offices may continue to do so until the installation of officers following the supervised election.

5. Those persons elected as Executive Board Officers pursuant to the supervised election shall serve the full constitutional term provided by the defendant's constitution and by-laws.

6. Jurisdiction of the action shall be retained by the Court pending completion of the supervised election. After the supervised election, the Secretary shall promptly certify to the Court the names of the persons so elected and that said election was conducted in accordance with the provisions of Title IV of the Act and insofar as is lawful and practicable, in accordance with the constitution and by-laws of the defendant union.

7. Upon approval of such certification, the Court shall enter an order declaring such persons to be the duly elected and certified officers of defendant.

8. IT IS FURTHER ORDERED that the Secretary and the defendant shall bear their own costs, expenses, and legal fees in connection with this action.

Dated: 11/07/05, 2005.

  
NANCY GERTNER  
UNITED STATES DISTRICT JUDGE

Consent is hereby granted to the entry of this Order.

**On Behalf of Plaintiff Elaine L. Chao, Secretary of Labor, Department of Labor:**

MICHAEL J. SULLIVAN  
United States Attorney

*Anita Johnson*  
ANITA JOHNSON  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
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(617) 748-3266

Dated: October 31, 2005

*Maureen Canavan/JC*  
Maureen Canavan  
Office of the Regional Solicitor  
U.S. Department of Labor  
JFK Federal Building, Room E-375  
Boston, MA 02203

Dated: November 3, 2005

**On Behalf of Defendant National Association of Government Employees,  
Service Employees International Union:**

*Robert M. Weinberg, Kathleen M. Keller, Bredhoff & Kaiser*  
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Dated: October 26, 2005

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